

**BEFORE THE WEST VIRGINIA BOARD OF MEDICINE**

**IN RE:**

**CREEL SAYRE CORNWELL, JR., M.D.**

**CONSENT ORDER**

The West Virginia Board of Medicine ("Board") and Creel Sayre Cornwell, Jr., M.D. ("Dr. Cornwell") freely and voluntarily enter into the following Consent Order pursuant to West Virginia Code § 30-3-1, *et seq.*

**FINDINGS OF FACT**

The Board and Dr. Cornwell stipulate to the truthfulness and accuracy of the facts, as set forth herein below:

1. Dr. Cornwell holds a West Virginia medical license, No. 09342, which license was first issued in July 1971. Dr. Cornwell's address of record with the Board is in Clarksburg, West Virginia.

2. On July 25, 2013, the West Virginia Board of Medicine received an Adverse Action Report which United Hospital Center ("UHC") had submitted concerning Dr. Cornwell. On June 18, 2013, UHC implemented a summary or emergency suspension of Dr. Cornwell's hospital privileges for an indefinite period of time.

3. UHC reported that it suspended Dr. Cornwell because he "engaged in conduct posing an immediate threat to patient safety and orderly operation of the

hospital.” Specifically, UHC indicated that Dr. Cornwell “made unwanted advances on a patient in her hospital room,” including asking for a kiss and groping the patient’s breast in the presence of a witness.

4. On August 9, 2013, and based upon the Adverse Action Report, the Complaint Committee initiated a complaint against Dr. Cornwell alleging certain violations of the West Virginia Medical Practice Act, including violations of W. Va. Code §§ 30-3-14(c)(8), (17) (21) and W. Va. Code R. §§ 11-1A-12.1.e, 12.1.h, 12.1.j, 12.1.r and 12.1.bb.

5. The Complaint Committee of the Board commenced an investigation into the allegations of the Complaint.

6. Dr. Cornwell has cooperated with the Board’s investigation, and has represented that he is in the process of receiving treatment, and that he has discontinued the practice of medicine.

7. In lieu of completing the Board’s investigatory and disciplinary process, Dr. Cornwell seeks to surrender his license to practice medicine and surgery in West Virginia.

1. Dr. Cornwell has no intention of practicing medicine or seeking medical licensure in the future.

2. The Board and Dr. Cornwell voluntary enter into this Consent Order to resolve the complaint initiated against Dr. Cornwell and to protect the public interest.

### CONCLUSIONS OF LAW

The Board and Dr. Cornwell stipulate to the following conclusions of law:

1. Dr. Cornwell' license to practice medicine and surgery in the State of West Virginia is subject to regulation and discipline by the West Virginia Board of Medicine, the "regulatory and disciplinary body for the practice of medicine and surgery" for physicians, podiatrists and physician assistants in West Virginia. W.Va. Code §30-3-5 and §30-3-7(a).

2. The Board has a mandate to ensure "a professional environment that encourages the delivery of quality medical services" to protect the public interest. W.Va. Code §30-3-2.

3. The West Virginia Medical Practice Act sets forth conduct which may render an individual unqualified for licensure or subject to discipline or other restrictions upon licensure. W.Va. Code §30-3-14. Pursuant to W.Va. Code §30-1-8(c), the Board has promulgated legislative rules that "delineate conduct, practices or acts which, in the judgment of the board, constitute professional negligence, a willful departure from accepted standards of professional conduct and/or which may render an individual unqualified or unfit for licensure, registration or other authorization to practice." W. Va. Code R. §11-1A-12.

4. Probable cause exists to substantiate disciplinary charges against Dr. Cornwell pursuant to West Virginia Code W. Va. Code §§ 30-3-14(c)(8), (17) (21) and W. Va. Code R. §§ 11-1A-12.1.e, 12.1.h, 12.1.j, 12.1.r and 12.1.bb.

5. It is appropriate and in the public interest to permit Dr. Cornwell to surrender his West Virginia medical license.

### CONSENT

By signing his name to this Consent Order, Creel Sayre Cornwell, Jr., M.D., acknowledges that he understands and agrees with the following:

1. Dr. Cornwell has read and understands this entire Consent Order;
2. Dr. Cornwell agrees that he has been given adequate time and opportunity to review and consider the terms set forth in this Consent Order;
3. Dr. Cornwell understands that he has the right to legal representation in this matter, at his own expense, and agrees that he has been afforded adequate time and opportunity to exercise his right to consult with counsel regarding the legal effect of this Consent Order, and has in fact been counseled by his attorney regarding the same;
4. Dr. Cornwell understands that this Consent Order is a legally binding Order of the West Virginia Board of Medicine that affects his rights and privileges;
5. Dr. Cornwell acknowledges that he is fully aware that, without his consent, no permanent legal action may be taken against him except after a hearing held in accordance with West Virginia Code § 30-3-14(h) and §29A-5-1, *et seq.*;
6. Dr. Cornwell is aware of his legal rights in this matter, in addition to his right to be represented by counsel at his own expense, including: the right to a

formal hearing, after reasonable notice, before the West Virginia Board of Medicine on the disciplinary charges before the Board; the right to confront and cross-examine witnesses against him; the right to present evidence and testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to appeal under Chapter 29A of the West Virginia Code in the event of a final order or decision adverse to him;

7. With the exception of his right to counsel, which Dr. Cornwell has exercised, Dr. Cornwell knowingly and voluntarily waives all such rights, and agrees to the entry of this Consent Order relative to his practice of medicine in the State of West Virginia;

8. Dr. Cornwell acknowledges that by signing this Consent Order, he is forever relinquishing his license to practice medicine and surgery in West Virginia, and will not be eligible for reinstatement or reactivation in the future;

9. Dr. Cornwell further acknowledges that if he applies for licensure with this Board in the future, such an application would be in violation of the terms of this Consent Order, and any such application will be refused by the Board; and

10. Dr. Cornwell understands that this Order is a public document which will be available for public inspection, will be accessible through the Board's website, and will be a permanent part of his historical file with the Board. Matters contained herein may be reported to other jurisdictions, the National Practitioner Data Bank and the Federation of State Medical Boards and as otherwise required by law.

**ORDER**


**WHEREFORE**, on the basis of the foregoing stipulated Findings of Fact and Conclusions of Law, and with the consent of Dr. Cornwell, the West Virginia Board of Medicine hereby **ORDERS** as follows:

1. Effective at 11:59 pm on December 20, 2013, Dr. Cornwell's license to practice medicine and surgery in West Virginia, license number 09342, is hereby **SURRENDERED** to the Board;
2. Dr. Cornwell shall not apply to the Board for licensure in the future; and
3. Dr. Cornwell is not eligible to receive a license to practice medicine and surgery in West Virginia in the future, and any future application he may submit to this Board will be denied.


This Consent Order shall be deemed entered on the date that this Order, with all required signatures affixed hereupon, is received in the Board's 101 Dee Drive, Charleston, West Virginia, office. The Executive Director of the West Virginia Board of Medicine is hereby authorized to denote the date of entry on behalf of the Board in accordance with this paragraph.

ENTERED ON: December 19, 2013

WEST VIRGINIA BOARD OF MEDICINE

  
Reverend O. Richard Bowyer  
President

Date: 12/5/13

  
Letitia E. Tierney, M.D., J.D.  
Secretary

Date: 12/14/13

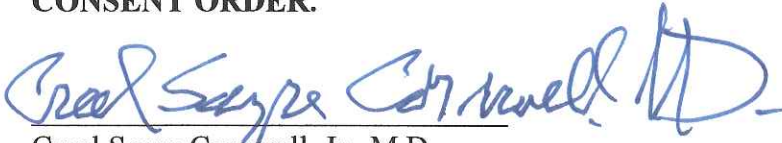
ACCEPTANCE

**I, CREEL SAYRE CORNWELL, JR. M.D., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT ORDER. I HAVE BEEN GIVEN SUFFICIENT TIME AND OPPORTUNITY TO CONSIDER THIS CONSENT ORDER, AND I UNDERSTAND THE EFFECT IT WILL HAVE UPON MY LICENSE TO PRACTICE MEDICINE AND SURGERY IN WEST VIRGINIA.**

**BY SIGNING THIS CONSENT ORDER, I HAVE WAIVED CERTAIN RIGHTS, BUT I DO SO KNOWINGLY AND VOLUNTARILY, AND I DO NOT WISH TO ASSERT THOSE RIGHTS IN THIS MATTER.**

**I UNDERSTAND THAT I HAVE THE RIGHT TO LEGAL COUNSEL, AND I HAVE BEEN PROVIDED WITH AMPLE TIME TO CONSULT WITH MY ATTORNEY AND OBTAIN LEGAL ADVICE FROM MY ATTORNEY REGARDING MY ACCEPTANCE OF THIS CONSENT ORDER.**

I AM SIGNING THIS CONSENT ORDER VOLUNTARILY, AND I UNDERSTAND THE POTENTIAL CONSEQUENCES OF VIOLATING THIS CONSENT ORDER.



Creel Sayre Cornwell, Jr., M.D.

Date: 11-25-13

STATE OF West Virginia

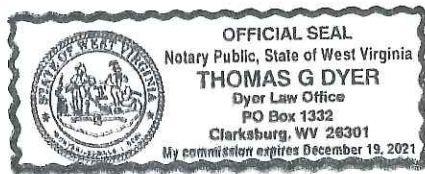
COUNTY OF Harrison, to-wit:

I, Tom Dyer, a Notary Public for said

county and state do hereby certify that Creel Sayre Cornwell, Jr., M.D., whose name is signed herein above has this day acknowledged the same before me.

Given under my hand this 25<sup>th</sup> day of Nov, 2013.

My Commission expires 12-19-21



Notary Public